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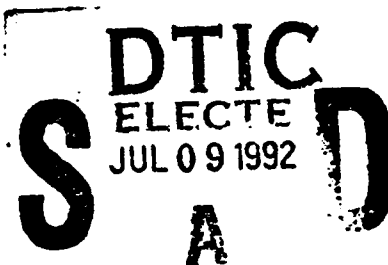


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A RAND NOTE

The Military's Entry into Air Interdiction
of Drug Trafficking from South America

John Ahart, Gerald Stiles



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The Military's Entry into Air Interdiction of Drug Trafficking from South America

John Ahart, Gerald Stiles

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PREFACE

This Note provides an overview of the U.S. military's involvement in the air interdiction of cocaine moving from South America to the United States. It describes the organizations, equipment, and operations that have been devised and applied during the military's first year of formal involvement in drug interdiction as mandated under the FY 1989 Defense Authorization Act. To put this military involvement in proper context, however, it is also necessary to lay out some of the broader foundations of the national drug control program, the civil agencies contributing to that program, and their drug interdiction efforts; it is upon these that the military assets and operations have been overlaid.

This overview should be of interest to all government personnel—military and civilian—now involved in, or concerned with, drug interdiction, particularly air interdiction operations. It provides a first look at some of the issues and problems that have arisen as the military has added its muscle to the efforts to stem the flow of international drug traffic.

This study was conducted jointly under the National Security Strategies Program of Project AIR FORCE and under the Policy and Strategy Program of RAND's Army Research Division's Arroyo Center. Commander Ahart was a Navy Federal Executive Fellow at RAND from 1989 to 1990.

SUMMARY

The formal introduction of the military into the national drug control program was mandated by the FY 1989 Defense Authorization Act. In this Note, we examine the military's participation in the air interdiction of international drug traffic, particularly the interdiction of cocaine being flown in to the United States from South America. Civilian smuggling aircraft now rarely fly directly from South America to landing sites within the United States. Instead, these aircraft are diverting to landing sites outside the United States, such as Mexico, or drop their cargos to boats waiting beyond U.S. waters.

Drug interdiction efforts do appear to be diverting drug smugglers from the easier routes. Whether this diversion is sufficient to cause drugs to be less available or more costly remains to be seen. For the military and their involvement in drug interdiction,¹ it may be sufficient to say that interdiction efforts are affecting the drug market; and properly implemented, the military's participation should add to this effect.

The civilian interdiction forces employed in the National Drug Control Program (NDCP) are drawn, in part, from the normal law enforcement agencies and other organizations. The organization of these civilian agencies in drug interdiction seems to defy charting. Their responsibilities and relationships with one another are confused by the constant overlapping of legal and operational areas of responsibilities: As many as six agencies could have arrest authority in a given area. Although the interfaces between the agencies are not clearly defined, the civilian drug interdiction effort is well established and experienced; despite the apparent confusion, it works. And into this intricate but expedient machinery, a military component has now been added.

Because the use of the military in any civilian law enforcement is contentious, it is logical to ask why the military should be involved in drug interdiction. The military has people, equipment, and money provided for other national security purposes that can be made available during peacetime. If the drug interdiction effort is perceived as a massive yet temporary manpower-intensive endeavor, then the military is frequently the most available and capable instrument. This appears to be the perception throughout most of the organizations visited during our research.

¹We recognize that use of the term "interdiction" of itself is a sensitive issue within certain domains. As we use it here, "interdiction" is meant in its most general sense. Its use does not imply that the military physically interdicts or impedes drug smugglers.

Such reasoning may have been behind the sense of Congress when it dictated, through the FY 1989 Defense Appropriations Act and more specifically through the FY 1989 Defense Authorization Act, that the military enter into the interdiction effort by:

- Assuming the role as the single lead agency for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.
- Coordinating the effort to integrate into an effective network U.S. command, control, communications, and technical intelligence assets dedicated to the interdiction of illegal drugs.
- Increasing the drug interdiction and law enforcement roles for the National Guard.

Subsequent to his September 18, 1989, speech in which he noted that drugs "pose a direct threat" to the United States, Defense Secretary Cheney directed the military to form and deploy a Caribbean Counter Narcotics Task Force, with air and maritime drug interdiction assets to combat the flow of drugs from Latin American through the Caribbean Sea. The military has established three Joint Task Forces (JTFs) specifically for the drug interdiction effort. JTF-4, based in Key West, Florida, is responsible for the Gulf of Mexico, the Caribbean, and part of the Atlantic; JTF-5, based in Alameda, California, has the Pacific and the western side of Mexico and Central America; and JTF-6, based in El Paso, Texas, has the border area between Mexico and the United States. With all three JTFs now using DoD assets to carry out their charters, the extent of military involvement in drug interdiction has increased considerably since 1989.

In this Note, we sketch the boundaries of this massive, interwoven, and complex organization and identify some of the problems that arose during the first year of the military's active involvement in support of the NDCP. One of these problems was caused by fundamental differences between military and law enforcement operations. The military, at least initially, found itself wanting to enter into action, unaccustomed to the waiting game that law enforcement agencies must play to build evidence.

Another problem was caused by equipment mismatches. For example, drug smugglers often use civilian aircraft with modest airspeeds; and civilian law enforcement agencies use similar aircraft so they can covertly gather evidence from behind, in an in-trail, airborne formation. Military aircraft, because they have been designed to intercept

high-speed jet aircraft, are often unable to fly slow enough to remain in-trail and, hence, undetected. Equipment mismatches also include aircraft endurance, communications formats (i.e., analog vs. digital), and communication frequency bands.

The military's propensity to classify information has presented some problems for their civilian law enforcement partners in drug interdiction. There appear to have been occasions when information within the civil communications nets has become classified after it has entered the military nets and has therefore become less accessible.

A pervasive problem manifests itself in what is commonly called "turf wars." The civilian and military command and control organizations, which coordinate and control the disposition and activities of the civilian and military interdiction forces, often find themselves at odds over the direction of the forces as to place and time. While the *roles* of the forces (detection, monitoring, seizure, arrest, etc.) may be clear enough between the civilian and military forces, their direction and control may not. Both sides may be reluctant to relinquish that authority. Although the confusion is further compounded by recent changes in the law (and in the interpretation of congressional language thereto), the turf war problems, at least at the working level, appear to be resolving with time, good will, and common purposes.

Although not framed in the perspective of a problem, the military's impressive capability to employ high-technology equipment to detect, monitor, and track suspicious vehicles has not led to any increase in the technical capability to find drugs within those vehicles. The process of finding and extracting drugs from countless vehicles, aircraft, containers, etc., remains rudimentary. As noted by one Customs official, "The state of the art in drug detection technology resides in a dog's nose."

One of the concerns echoed throughout all of the organizations visited during the research for this Note was the absence of one overall "boss" directing the multitude of forces involved. Although the Office of National Drug Control Policy has been effective in establishing the strategic thrust and vector in the war against drugs, it is a policy office and not an operational office. The lack of a single point of operational command is frequently blamed for instances when drug control efforts have been duplicated or misdirected.

Another concern frequently expressed throughout our research had to do with the impetus to measure the effectiveness of the drug interdiction efforts. Almost every organization we visited expressed fears that drug interdiction authorities might find it

necessary to report drug interdiction successes in the form of a "body count." Throughout virtually all levels of all the organizations we visited, we were warned of the futility of, and the misleading nature of, quantitative appraisals of performance. We were repeatedly advised that a change in interdiction statistics could paradoxically represent either progress or a loss, the truth of which depended upon a multitude of factors that often went unreported.

The final concern raised about the introduction of the military into the drug interdiction effort has to do with the permanence of its involvement there. Both civilians and the military recognize that the military's principal missions are in the domain of military combat for national defense; drug interdiction is but a secondary, peacetime mission. Correspondingly, military forces committed to assist in the drug interdiction effort on one day might be gone the next either to fight or to prevent a war. The civilian forces dare not become dependent upon the military lest they find their efforts ultimately hampered by the military's departure for the battlefield.

In summary, the air interdiction efforts appear to be having an effect to the extent that drug flow channels are altering substantially. The military's efforts are aiding in this regard. Together with efforts to reduce the demand side of the drug problem, the combined source reduction and interdiction efforts seem to be having an effect on the streets of America.

The research underlying this Note is current to August 1990. Some information past this date, to reflect on-going personnel changes and the like, has been incorporated in the publication process.

ACKNOWLEDGMENTS

We would like to thank several individuals for their assistance with this Note and its underlying research. First are our colleagues at RAND who assisted us directly in the research, Susan Resetar and Barry Wolf. Their contributions are to be found throughout this Note and greatly added to its content. Next are the many participants, both civilian and military, in the interdiction effort who, without fail, readily offered their time, answered our questions, and patiently redirected us when we went astray. Their diligence and dedication to their tasks are, we think, too little recognized and appreciated; we therefore take this opportunity to salute them for their devotion to duty. Finally, we thank our sponsor within RAND, Carl Builder, who encouraged and guided us ably through the shoals of a difficult subject; and, at the end, he helped us by untangling many of our twisted sentences. This Note is of our own making and we bear full responsibility for any shortcomings it may have.

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ACRONYMS

AEW	Airborne Early Warning
AOR	Area of Responsibility
ASW	Antisubmarine warfare
AWACS	Airborne Warning and Control System (aircraft)
CBRN	Caribbean Basin Radar Network
CINCFOR	Commander in Chief, U.S. Forces Command
CINCNOAD	Commander in Chief, NORAD
CIA	Central Intelligence Agency
Citation	A (Cessna-built) jet flown by U.S. Customs
CONUS	Continental United States
C3i	Command, Control, Communications, and Intelligence
DEA	Drug Enforcement Administration
DIA	Defense Intelligence Agency
DoD	Department of Defense
EPIC	El Paso Intelligence Center (DEA operated)
E-2C	A Navy Airborne Early Warning (AEW) aircraft
E-3A	An Air Force AEW aircraft
FALCON	A French-built jet used by the Coast Guard
FBI	Federal Bureau of Investigation
F-16	A USAF fighter aircraft
FY	Fiscal Year (starts October 1, ends September 30)
FY	Fiscal Year 89 (starts October 1, 1988)
HF	High Frequency (radio)
INM	International Narcotics Matters (Dept. of State)
JCS	Joint Chiefs of (military) Staff
JTF	Joint Task Force
LEA	Law enforcement agency
MOE	Measure of effectiveness
NDCP	National Drug Control Program
NOMAD	An Australian-made aircraft flown by U.S. Customs
NORAD	North American Aerospace Defense Command
NSA	National Security Agency
ONDCP	Office of National Drug Control Policy
OTH-B	Over the horizon-backscatter (radar)
PHM	USN fast hydrofoil craft
P-3A	Modified aircraft flown by U.S. Customs
P-3B/C	Military patrol aircraft
S-3A/B	USN carrier-based antisubmarine aircraft
TAC	Tactical Air Command (USAF)
UH-60	Military/Customs-piloted (Black Hawk) helicopter
USCINCLANT	U.S. Commander in Chief, Atlantic
USCINCPAC	U.S. Commander in Chief, Pacific

USCINCSAC	U.S. Commander in Chief, Strategic Air Command
USCINCSO	U.S. Commander in Chief, Southern Command
USCINCSOC	U.S. Commander in Chief, Special Operations Command
USCINCSpace	U.S. Commander in Chief, Space Command
USCINCTrans	U.S. Commander in Chief, Transportation Command
USMC	United States Marine Corps
USN	United States Navy
USAF	United States Air Force

I. INTRODUCTION

This Note provides an overview of the participants, the systems, the operations, and some of the problems associated with the formal introduction of military forces into the air interdiction of drugs. The purposes of this Note are twofold:

- 1. To provide an overview of the drug interdiction effort as a whole.**
- 2. To objectively assess how the military is fitting into that effort.**

Together, these approaches should provide insights into the military's contributions to drug interdiction, their future plans, and some of the salient problems associated with the introduction of the military into a civilian law enforcement endeavor.

Because the military's participation in drug control extends, quite literally, worldwide, it has been necessary to limit the scope of our modest research effort. We have concentrated primarily on military (and civilian) efforts aimed at interdicting the airborne smuggling of cocaine from South America into the United States. This focus is valuable because it provides us a close vantage point from which to examine:

- A major smuggling activity.**
- A fertile "battlefield" upon which the military's contributions are expected to be substantial.**
- A look into the interface and the problems that have arisen between a long-established, civilian law enforcement team and the new military entrant.**

There is no attempt to provide a comprehensive, in-depth assessment of the military's larger involvement in the national drug control program.

The research approach involved a search of the literature and interviews. Our literature search was designed to give us an initial understanding of the subject; but it became an ongoing effort because the dynamic nature of the drug interdiction effort made it necessary to continue to update our sources.

On the basis of our initial literature searches, we conducted field visits and interviews with numerous individuals in various agencies, ranging from officials in the

Office of National Drug Control Policy in Washington to the Citation pilots standing alert at the U.S. Customs Air Operations Facility in Miami, Florida.

The research was conducted during the time period (October 1989 through July 1990) spanned by the "first anniversary" of the military's full participation in the drug interdiction effort.¹

¹The benchmark used here is April 1990, the date upon which the DoD's Joint Task Force 4 (JTF-4) had been in operation for one year. Although the military drug interdiction program had been officially initiated earlier with the signing of the FY 1989 Military Appropriations Act (September 1988), and drug-related military activities had been under way beforehand, the first anniversary could properly be measured from the initiation of the first major participating organization, JTF-4.

II. THE DRUG INTERDICTION EFFORT

The nation's drug problems and control efforts have been characterized according to several structures: supply and demand, enforcement and prevention, etc., depending upon the point to be made. We find it useful to divide drug control efforts, specifically the interdiction of drugs, into three phases in the flow of drugs from producer to consumer.

1. **Source country:** programs and efforts undertaken in and with the drug-producing countries to reduce the production and availability of drugs at their source. These include assisting with "nation building," providing operational support to counternarcotics forces in the source country, assisting with local export controls, etc. Both civilian and military organizations can and do assist the source countries in this phase.
2. **International traffic:** operations conducted against the international drug traffickers who transport drugs from the source countries into the United States. This is the phase of the drug flow in which the military organizations are now joining the civilian agencies in large-scale operations and that we examine closely in this Note.
3. **Domestic distribution:** the law enforcement efforts directed at the distribution chains within the United States. This phase remains almost exclusively a civilian endeavor.¹

This division permits us to focus on interdiction of international traffic, where military involvement has increased the most over the past year. We do not consider drugs that are manufactured or grown within the United States itself, including substantial fractions of the U.S. consumptions of methamphetamines and marijuana. This Note and current military operations are oriented toward the international trafficking in cocaine and marijuana from the Latin American countries.

¹U.S. Congress, House Committee on Armed Services, "Military Role In Drug Interdiction, hearings before a subcommittee of the House Committee on Armed Services," 101st Cong., 1st sess., 1989, Washington, D.C., 1990.

A DRUG INTERDICTION VIGNETTE

The effectiveness of the military operations to interdict or deter international drug trafficking will very likely depend upon the success with which these operations and the military's assets are integrated into those of the law enforcement agencies already engaged in this phase and region. These activities can have a vast scope; they can extend from identifying and seizing drugs at a border checkpoint to searching for and finding smugglers crossing the Mexican border afoot to pursuing drugs smuggled into the United States by air and by boat.

To demonstrate the potential complexity of the interdiction effort and to provide an example to serve as a reference point for subsequent discussions, we offer a brief vignette portraying many of the elements of an interdiction effort—an air and maritime pursuit and arrest. The vignette below is an amalgam of examples we have encountered during our research. We have resorted to a fictitious example to capture and demonstrate a broad spectrum, military and civilian, of the interdiction effort. We believe this example is representative, even routine, in its parts, although fictional as a whole.

The combined civilian and military interdiction forces have several indications that an airborne smuggling run is due across the Caribbean. The moonlight, the tides, and the prevailing smooth weather all favor a smuggling attempt. Moreover, intelligence information available to the in-country Drug Enforcement Administration (DEA) agents suggests that a substantial amount of cocaine paste should now have passed through a known processing plant and that the time for a delivery is near. The combined interdiction forces, consisting of U.S. Navy radar frigates, USAF E-3A Airborne Warning and Control System (AWACS) aircraft, Navy E-2C airborne radar pickets, U.S. Coast Guard aviation units, U.S. Customs aviation units, state and local law enforcement agencies, and others, generally prepare themselves for action.

They do not have to wait long. An in-country DEA agent is tipped off, from a usually reliable source, that a small, twin-engined turboprop aircraft, of a type ideal for clandestine drug smuggling, has landed at a remote airstrip known for past smuggling use. This tip sets several activities in motion. Betting that action is impending, the DEA agent notifies his branch chief, who broadcasts the information over the law enforcement communication's net. The information shortly thereafter reaches the joint U.S. Coast Guard/U.S. Customs Command, Control, Communications, and Intelligence (C3I) Center East, in Miami, Florida, which balances the information against the interdiction assets it has available or can request. C3I East decides to take action.

In response to the request from C3I East, Joint Task Force 4 (JTF-4, located in Key West, Florida), which controls the military interdiction assets assigned to it, also takes action. JTF-4 realigns the patrol assignments for the surveillance assets under its command (frigates, AWACS, and E-2C aircraft) to the best positions for detecting the smuggling flight early enough so intercepting forces will have adequate time to respond.

The realigned patrol units are soon rewarded with a contact. On the radar scope of an AWACS aircraft conducting a nighttime patrol on its assigned position off the South American coast, a "blip" suddenly appears from near the clandestine airstrip. Climbing slowly, as if carrying a heavy load of cargo and fuel, the blip is positively identified as an aircraft. It is not on any filed flight plan and its echo-producing radar transponder is not operating.

Employing its data link communications, the AWACS broadcasts its discovery to the forces assigned to the interdiction task that night. C3I East, JTF-4, the surface radar frigates, and the U.S. Customs interceptor aircraft and their aircrews all assume an increased state of alert. In the event the unidentified aircraft may be either a diversion or a legitimate flight that is ignoring some of the rules, the AWACS aircraft remains on station. But as the blip recedes toward the outer limits of the AWACS radar coverage from its assigned patrol station, its aircrew ensures that a patrolling frigate near the "track" has now identified and is "working" the target on its radar.

Things are becoming more suspicious: The frigate's radar has observed the unidentified aircraft alter its course over the Caribbean several times as if to avoid detection from the shore-based island radars (see Fig. 1). Moreover, its altitude has dropped to the point where it is almost skimming the water.

Having been scrambled airborne and now rushing to a projected interception point, a U.S. Customs Citation jet aircraft, specially equipped with night-viewing sensors and a jet fighter's radar, searches the night sky for the suspected smuggler. Information accumulated from the AWACS aircraft and the surface frigate has helped narrow the search area. There it is! A blip appears on the Citation's radar screen almost exactly on the predicted time and path. Starting a displaced turn, which will place the Citation behind the target, the Customs Service crew closes upon its prey. Flying in formation with its target, the Citation crew use their special equipment to identify the type of aircraft and, when circumstances are right, to actually read the target's identification numbers. Tonight they are lucky; the aircraft type and its identification numbers are

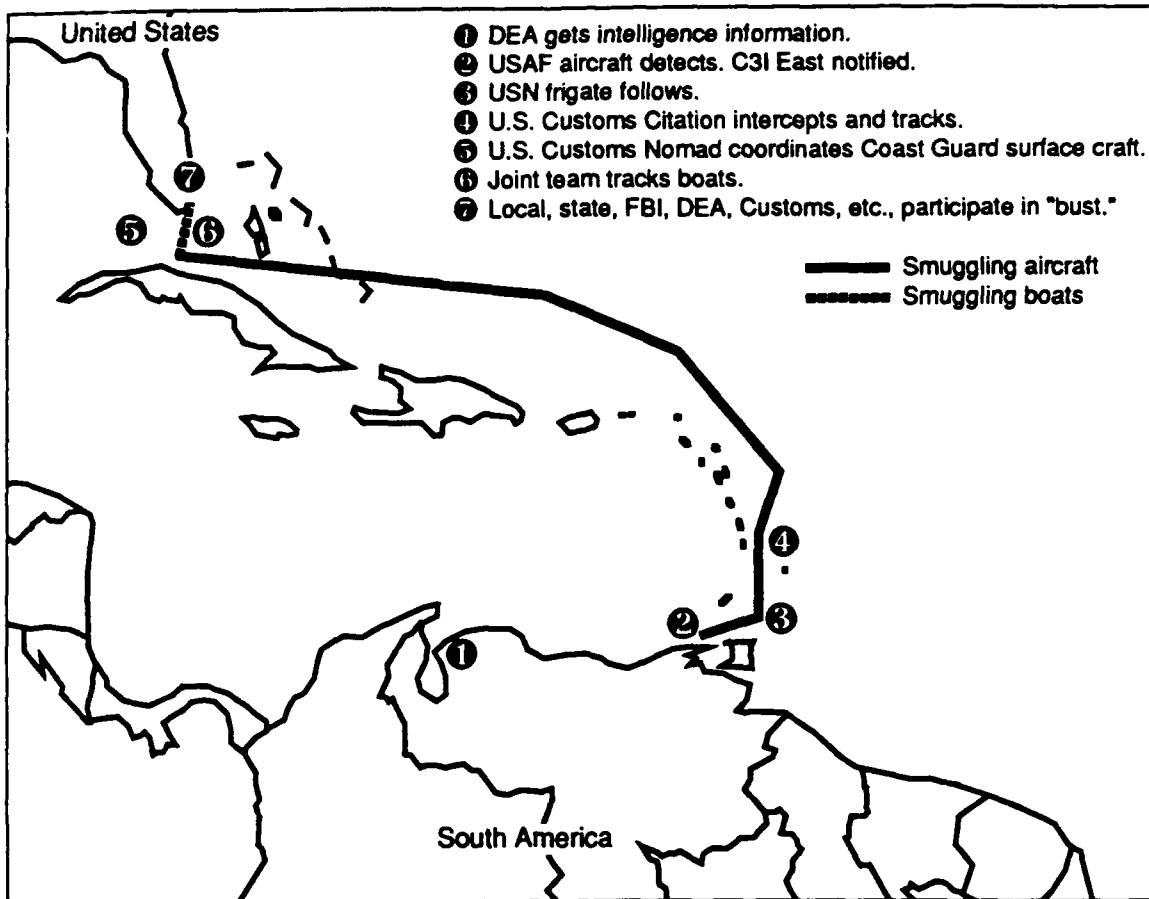


Fig. 1—Vignette of airdrop

readily discernible. The target, unaware of the darkened Citation following nearby, maintains its course.

A radio call from the Citation passes the target's identification numbers to the far-away, multiagency, staffed, El Paso Intelligence Center (EPIC). There the aircraft is identified as having been previously involved in air-dropping drugs to waiting boats near Cay Sal, a shallow area not far from the inhabited Florida Keys. The track, warm from the beginning, has now become hot.

Predicting the likely track of the airborne smuggler and naming Cay Sal as a probable drop point, the Customs aircrew radios its recommendations to C3I East. C3I-directed forces, both surface and helicopter-borne, now move into position for a surface chase.

As it approaches Cay Sal, the suspected aircraft (as seen upon the night-viewing sensors aboard the Citation) is observed opening its cargo door in flight, an unusual procedure for normal flights. Shortly thereafter, medium-sized bundles fall to the ocean's surface where vessels are seen waiting. The smuggling aircraft, still over international waters and therefore largely immune to interdiction, reverses its course and heads away from the scene.

The chase now begins anew on the surface. With a Customs Service Nomad aircraft equipped with an ocean-searching radar and guiding the pursuit from above, Customs and Coast Guard surface craft fan out into optimal positions, ready to pounce. Tonight they are directed to pursue at a distance but to inform shorebound forces as to the likely landing spots. As the craft approach the shore and thus many landing sites are eliminated, a mixed force of federal, state, and local law enforcement authorities positions itself to capture the smugglers and their waiting cohorts.

Finally, in a matter of hours from the initial notification, a combined arrest team consisting of DEA, FBI, Customs, Florida, and local authorities converges upon the projected landing site. There they arrest the smugglers and seize the drugs.

Three aspects of this vignette stand out: The interdiction process is complex, because it involves a mix of organizations and sophisticated technologies. It is sensitive, because it's an interagency process in which different organizations, with sometimes conflicting goals and operating techniques, must come together without much margin for error. And it is dynamic, because it must deal with an adaptive foe; drug smugglers can readily buy both brains and equipment, and they do.

Thus, participation in the drug interdiction process is neither easily nor casually undertaken. Military units, joining the drug interdiction effort for the first time, are confronted with a web of agencies and operations that is vast in its extent, subtle in its demands, and intricate in its interrelationships. Failure to recognize, respect, and adapt to these features of the process invites military efforts that could be counterproductive. Indeed, if there is a single message to be found within this Note, it is that the military, however experienced and competent it may be in its customary endeavors, must recognize and respect the broad, intricate, and delicate network of drug interdiction lest their efforts subtract from it, rather than add to it.

INTERDICTION: CAN IT WORK?

Before we address the civilian and military roles in drug interdiction separately in the next two sections, we address some obvious questions that would haunt those descriptions if left unanswered. Will interdiction efforts work? Can drug interdiction be effective?

At least one study, based upon an economic analysis of supply and demand, implies that interdiction, by itself, may but modestly raise the aggregate price of drugs because smuggling itself is only a minor cost item in the overall cost profile of illegal drugs.² Moreover, interdiction, when viewed on a dynamic basis, could be seen to be counterproductive because it tends to eliminate the least experienced (and least efficient) drug dealers.³ Although the remaining dealers are fewer in number, they are more experienced and operate more efficiently; and the street price of drugs may, in some plausible circumstances, decrease rather than rise with increasing interdiction. Taken to the extreme, this economic analysis can be (and has been) interpreted as evidence of the ineffectiveness of devoting additional resources to interdiction because it may only marginally increase the cost of drugs (or reduce their price) and thus have only a limited influence upon their appeal.

Others see evidence that interdiction efforts may be effective in raising rather than lowering the street price of drugs. According to a recent article, "Drug Czar" William Bennett cites DEA information indicating that a kilogram of cocaine has risen in price in New York City from approximately \$17,000 to as much as \$35,000, and in Los Angeles, from \$14,000 to \$32,000.⁴ Another article claims that reduction of drugs at the source, coupled with the successes of the interdiction effort, has reduced the supply of cocaine "almost nationwide."⁵ Some see these claims supported by the observation that cocaine-induced emergencies, as measured by admittances to hospital emergency rooms, dropped by 22 percent during the last three months of 1989.⁶ However, the relationships between cocaine-induced emergencies or cocaine use and interdiction or source country efforts are still more implied than known.

²Reuter, Crawford, and Cave, 1988, pp. 83-108.

³Ibid., pp. 122-132.

⁴Office of National Drug Control Policy, *Leading Drug Indicators*, White Paper, September 1990, p. 24.

⁵"Cocaine Supply Dwindles—First Time in Decade," *Los Angeles Times*, July 17, 1990, p. A1

⁶Office of National Drug Control Policy, *Leading Drug Indicators*, White Paper, September 1990, pp. 12-14.

The history of past interdiction efforts is also a mixed story. To be sure, interdiction efforts aimed at alcohol smuggling during Prohibition are generally judged to have been ineffective. However, modern interdiction efforts, employing modern sensors and detection devices, appear to have been reasonably effective in disrupting smuggling patterns. Perhaps the most recent large-scale example is Operation Market Time during the Vietnam conflict, in which U.S. and Vietnamese forces halted maritime infiltration of armaments from North Vietnam into South Vietnam. Initiated in early 1965 to reduce the seaborne infiltration of arms along South Vietnam's 1200 miles of coastline, Operation Market Time for all practical purposes shut down the maritime flow by using an overlapping barrier of radars, ships, and airborne patrols. This effort forced the North Vietnamese to move supplies over the slower and more difficult Ho Chi Minh Trail.⁷

Current interdiction efforts appear to have had a similar effect on the flow patterns of drugs entering the United States from South America. Earlier, civilian smuggling aircraft would fly directly from South America to landing sites within the United States. Now, in response to increasing interdiction forces and operations, smuggling aircraft are diverting to landing sites outside the United States, such as Mexico; or they drop their cargos to boats waiting beyond U.S. waters (as in our vignette). Indeed, some observers have declared the "war on drugs," at least with respect to air interdiction, "won".⁸

This assertion that the air interdiction war has been "won" could be incorrectly perceived to imply that the overall war on drugs has been won. In reality, such is far from the case, and much work remains to be done.⁹ The observation that cocaine no longer enters the United States along routes previously employed implies mainly that the routes are different. This caveat becomes even more important when we observe that attempts to link changes in drug use statistics with the effectiveness of air interdiction may be useless; other factors, such as increased law enforcement efficiencies, may or may not completely swamp any contribution air interdiction may provide and thus possibly lead to false conclusions regarding the efficacy of air interdiction. Moreover, any attempts to establish and define measures of effectiveness in respect to the air interdiction effort may not only be difficult, they could also be grossly erroneous and misleading.

⁷Marolda and Pryce, 1984, pp. 44-49.

⁸U.S. Congress, House of Representatives, "Air War On Drugs Won; New Ground Battle Looms," 101st Cong., 2d sess., News Release, May 28, 1990.

⁹Office of National Drug Control Policy, *Leading Drug Indicators*, White Paper, September, 1990, p. 1.

In sum, the question of whether drug interdiction works, or will work in the largest sense of the drug problem, remains beyond proof at this point and is likely to be debated long after the interdiction efforts and the drug problem have subsided. We can observe with some confidence that drug interdiction efforts do appear to be diverting drug smugglers from the easier routes. Whether this diversion is sufficient to cause drugs to be less available or more costly remains to be seen. For the military and their involvement in drug interdiction, it may be sufficient to say that interdiction efforts are influencing the drug market; and properly implemented, the military's participation should add to this effect.

III. THE CIVILIAN INTERDICTION EFFORT

ORGANIZATIONS INVOLVED

The civilian interdiction forces employed in the National Drug Control Program (NDCP) are drawn, in part, from the normal law enforcement agencies (LEAs), many of which are discussed below. Also included in the federal civilian organizations are such organizations as the Departments of State, Commerce, and Interior, whose principal responsibilities are mostly outside law enforcement or drug control. Depending upon how they are counted, the total numbers of federal organizations involved in the NDCP (including the military) could be as few as 37 and as many as 154.¹ For the purposes of this Note, either number is large enough to suggest that the effort is widespread and includes a variety of law enforcement and other agencies throughout the United States, from the local to the federal levels. Each of the principal federal civilian organizations is described briefly below.

The Office of the NDCP, under the "Drug Czar" Bob Martinez, is the lead federal organization charged with pulling all of the parts together to ensure a coherent federal effort. The ONDCP, as a policymaking office, is concerned with all aspects of the nation's counterdrug effort, including policies relating to interdiction; but it is not normally involved in day-to-day counterdrug operations.² The absence of an operational counterpart to the ONDCP creates problems which we address later in this Note.

The Drug Enforcement Administration (DEA) is the federal agency devoted by its charter to day-to-day enforcement operations against drug trafficking. In essence, the DEA is the federal police force whose efforts are directed solely at illegal drugs. DEA agents have powers of arrest, search, and seizure.³ The DEA's efforts are both domestic and foreign, and DEA personnel may be assigned to "a particular United States mission abroad."⁴ The DEA is the lead agency for the worldwide collection of drug intelligence information and for maintaining this intelligence database.

The Federal Bureau of Investigation (FBI) exercises jurisdiction over all violations of U.S. law. In 1982, the attorney general directed the FBI to exercise concurrent

¹These numbers have been taken (and summed) from a variety of sources.

²Office of National Drug Control Policy, 1990, p. 84.

³21 U.S. Code Annotated, 1990, p. 878.

⁴22 U.S. Code Annotated, 1990, p. 2656.

jurisdiction with DEA for the overall drug enforcement effort. The FBI's stated focus in this responsibility is toward the drug-related violations of such laws as the Continuing Criminal Enterprise (CCE) statutes and Racketeer Influenced and Corrupt Organizations (RICO) law. As the Office of Technology Assessment (OTA) has noted, there appear to be "some degree of conflict, overlapping responsibilities, and confusion about jurisdiction between the FBI and the DEA."⁵

The U.S. Coast Guard has been designated as the lead agency for maritime drug interdiction and a joint lead agency (with U.S. Customs) for air interdiction.⁶ The Coast Guard is both a military (during wartime) and a law enforcement agency. In its LEA role the Coast Guard exercises jurisdiction over all violations of U.S. law on the high seas and upon the navigable waters of the United States. Its broad authority to inspect vessels and to regulate maritime commerce has proven very useful in antidrug operations.

On land, the U.S. Customs Service has been designated as the lead agency for interdiction; it is supported in this role by the Immigration and Naturalization Service. As noted earlier in connection with the responsibilities of the Coast Guard, Customs is a joint lead agency for air interdiction, a role it emphasizes. Customs also supports the Coast Guard in maritime interdiction.⁷ The Customs Service may "at any time go on board of any vessel or vehicle at any place"—giving it broad powers in drug interdiction.⁸

The U.S. Border Patrol of the Immigration and Naturalization Service intercepts drugs along the border in the course of its efforts to enforce laws relating to the admission, exclusion, and expulsion of aliens. Both DEA and Customs have formally provided additional authority to Border Patrol agents to enable them to interdict drug traffic and enforce related laws. As part of their normal duties, Border Patrol agents can conduct searches at the border even without suspicion of criminal activity.⁹

We have purposely avoided a more explicit delineation or diagram of the interlocking jurisdictions and authorities of the above organizations because their interrelationships are extremely complicated and quite often vary by case. Any single,

⁵Office of Technology Assessment, *The Border War on Drugs*, Washington, D.C., 1987, p. 71.

⁶*Ibid.*

⁷*Ibid.*

⁸*19 U.S. Code Annotated*, 1990, p. 1581.

⁹Office of Technology Assessment, *The Border War on Drugs*, Washington, D.C., 1987, p. 37.

specific depiction would necessarily be subjected to a large number of caveats and could be misleading.

CIVILIAN INTERDICTION OPERATIONS

Figure 2 shows the sequence of air interdiction operations, consisting of detection, interception, tracking, and apprehension. The methods employed and the equipment used for each phase in this interdiction sequence are generally optimized for the tasks and obstacles involved.

In the Caribbean and Gulf of Mexico areas, for example, the civilian interdiction forces (consisting mostly of U.S. Customs forces complemented by Coast Guard, DEA, and local LEAs) use a mixed force of small civilian jet and turboprop aircraft, helicopters, and fast boats. Relying to a large degree upon intelligence information and known drug smuggling behavior profiles (e.g., smugglers prefer dark nights over moonlit nights and certain tide conditions), these forces preposition themselves so as to best detect, intercept, track, and apprehend smugglers.¹⁰ One of the preferred operating locations for the U.S. Customs aerial forces has been at Guantanamo Bay Naval Air Station in Cuba. This unique location has only recently been superseded in popularity by operations from Puerto Rico so as to better enable Customs forces to be closer to the current action. From this unique vantage point, and relying to a large extent upon radar

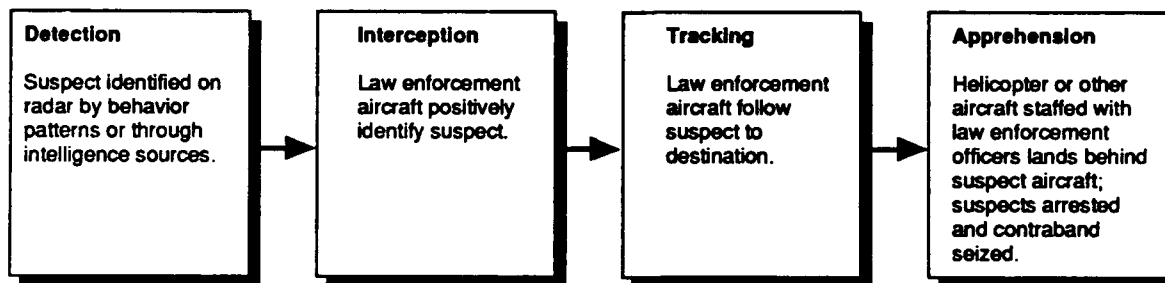


Fig. 2—Air interdiction sequence

¹⁰March 27, 1990, interview with U.S. Customs pilots, Air Operations Facility, Miami. The majority of the material in this section, unless otherwise noted, is derived from this interview.

inputs from surface and airborne systems, these civilian forces stand ready to intercept suspicious northbound flights from South America.

Once having spotted a potential smuggling aircraft, these forces can then employ special night-vision-equipped Cessna Citation jet aircraft to intercept a suspicious aircraft and to identify it unambiguously. Normally unseen in the darkness, the Customs pilots and observers attempt to identify the registration number and aircraft type (twin-engined turboprop aircraft are smugglers' favorites) and pursue if appropriate. The pursuit, using the Customs pilot's vernacular, is normally conducted "covertly" in the suspect aircraft's "blind spot," approximately 1000-2000 feet above the target and approximately 1/2 mile behind it where it can be observed for drug-associated activities. If such activities are observed, further law enforcement efforts are then brought into play.

Today, in large part because of past successes in intercepting and tracking aircraft that had been landing within the U.S. borders, almost all of the drug smuggling flights now terminate outside the United States. In the Gulf of Mexico and Caribbean region, the current terminus is normally a drug drop at sea. In these instances, the smuggling pilots typically fly their aircraft (many of them equipped with extra fuel tanks) to a prearranged drop point at sea, where they drop their waterproofed drug cargo into the sea to be picked up by waiting boats. After the drop, the pilots either return to their originating point or fly to a convenient island for an interim stop to refuel.

Because smuggling pilots normally no longer land or fly within U.S. jurisdictions, they can operate with a substantial degree of immunity. When, for example, they are intercepted over open waters, these pilots have no obligation to change course or land in accordance with instructions from U.S. law enforcement or military personnel. They have been known to make obscene gestures at Custom's aircraft when refusing to alter their course away from their planned drop area. Several changes in U.S. laws are being contemplated that may provide additional penalties and sanctions against pilots who refuse to follow instructions to land.¹¹ But until such laws are in effect, interdiction forces will remain largely helpless in their attempts to make suspected smugglers land for inspection. Because of these jurisdictional limitations, and until international cooperation can be enlisted in seizing aircraft and arresting crews identified as participants in drug drops, a major portion of the U.S. law enforcement efforts are directed toward the surface vessels used to smuggle the air-dropped drugs into the United States.

¹¹Jehl and Ostrow, 1990.

The problems in interdicting the surface vessels are no less severe: Drug-interdicting maritime forces must maneuver their vessels into positions where they can remain unobserved (over the horizon) but where they can still intercept fast smuggling craft proceeding toward the coast. This is no easy task since many of the smuggling craft can flee at speeds in excess of 85 knots (100 mph) and outrun law enforcement boats.¹² Thus the challenge is to anticipate the likely locations of the drop and shore delivery points and then to move surface interdiction forces to a location where the potential for their success is maximized. Teamwork, coupled with adequate communications capabilities, is the most important ingredient for success.

Because of its importance in prepositioning the surface interdiction forces, communications capabilities play a major role in the surface interdiction effort. To give the surface forces adequate time to deploy to their optimal positions, the interdiction aircraft trailing a suspected smuggler must be able to communicate with the surface forces and pass to them the anticipated location for an airdrop. That location can often be deduced from such things as the aircraft's position, heading, speed, type, and previous habits. Lacking this communications capability, surface interdiction becomes particularly difficult, especially upon the broad expanses of the high seas.

To aid in the difficult task of identifying, tracking, and interdicting surface vessels, the Customs Service employs twin-turboprop, Australian-built Nomad aircraft specially equipped with radar optimized for searching the ocean surface. This aircraft is used either to search independently to find drug smuggling ships and boats or to operate jointly with other aircraft in covertly tracking a suspected aerial smuggler. In either role, the Nomad's radar is employed to find likely smuggling craft (especially at night) and to help interdiction craft on the surface with their interceptions.

To apprehend smugglers, particularly those using fast boats, the Customs Service uses UH-60 Black Hawk helicopters such as those standing constant alert at Homestead AFB in Florida. Carrying specially equipped arrest teams, unlike the Citation and Nomad fixed-wing aircraft crews, these forces can join and maintain the chase to its end. Helicopter-transported law enforcement teams have the option of landing on the spot to apprehend drug traffickers, or they may opt instead to observe and track the drugs to subsequent destinations.

¹²White, 1989.

The Black Hawks can also assist in drug arrests at sea. The following example illustrates this capacity and demonstrates the extent and sophistication of the integrated interdiction effort:

They were piloting the boat *My Vice II* about 30 miles off the Bahamian coast at high speed without running lights at 3 a.m. last Dec. 30 when they encountered the Coast Guard cutter *Tampa*. . . . The two men refused to stop and attempted to outrun the cutter. When it became apparent the Coast Guard could not keep pace with the suspected smugglers' powerful boat, officials said, the guard (sic) launched its on-board helicopter and tracked it from the air.

The Bahamas, Turks and Caicos drug strike force [a joint interdiction team operating within these islands], monitoring the chase from its base in Nassau, launched two Army UH-60 Black Hawk helicopters armed with 7.62mm M-60 machine guns to help. After a six-hour chase, in which the suspected smugglers threw overboard 100 kilograms of cocaine, they stopped.

With the two Black Hawks and the Coast Guard helicopter hovering overhead, Coast Guard personnel from the cutter boarded *My Vice II* and arrested Merlo and Small.¹³

As with the air interdiction successes in the Caribbean and Gulf of Mexico, which have effectively compelled drug smugglers to change their *modus operandi*, the air interdiction along the southwest U.S. border with Mexico has also forced the smugglers to adopt new patterns. Previously, smuggling pilots would routinely fly from South America directly into the southwest region of the United States. They no longer do so; the risks of arrest and seizure have apparently become too high. Instead, the more common routine is for drug smugglers to fly north from South America to one of several hundred landing strips in northern Mexico, just short of the U.S. border. Here, normally in isolated areas, they rapidly offload their cargos, refuel if necessary and feasible, and return home. Smugglers on the ground subsequently distribute the drugs, which then flow separately into the United States.¹⁴ This routing, however, does not prevent U.S.

¹³"An Electronic Picket Faces Smugglers," *Air Force Times*, June 18, 1990, p. 69.

¹⁴Interview with C. Best, U.S. Customs, El Paso Intelligence Center, El Paso, March, 1990. This interview is complemented by the article, "\$1-Million Drug Tunnel Found at Mexican Border," *The Los Angeles Times*, May 19, 1990, p. A1. This article describes the elaborate 270 ft long, 5 ft high tunnel extending from Agua Prieta, Mexico, under the U.S. border into Douglas, Arizona. The efforts of a U.S. Army geological team operating under JTF-6 were necessary to find this skillfully concealed tunnel 30 ft beneath the surface.

law enforcement agencies from detecting and identifying suspicious northbound flights approaching the United States and to interdict those that may proceed outside of Mexican national airspace. Indeed, mostly under the control of the C3I West organization at March AFB, California (the western counterpart of C3I East at Miami), Customs' aircraft and crews are staged to intercept and follow suspected smugglers, particularly those that remain over international waters. To augment the forces in this area, specially refurbished and radar-modified P-3A Airborne Early Warning (AEW) aircraft, operated by the U.S. Customs Service, are employed.¹⁵

Operating in the Pacific, one of these aircraft and its crew were recently instrumental, by means of the aircraft's special long-range radar, in tracking a smuggling aircraft to its destination in the town of Monclova in northern Mexico, where its pilots landed to discharge their cargo (see Fig. 3). In this instance, however, the pilots were arrested by a contingent of the newly formed Mexican Northern Border Response Team. The team, carried in by helicopters and augmented by DEA advisors, had been guided to the correct landing spot by the P-3A AEW aircraft and crew, which were still orbiting outside of Mexican airspace.¹⁶

A sidelight to that story illustrates one of the substantial hurdles faced in drug interdiction efforts: Five of the eight smugglers arrested (including those on the ground) were Mexican police officials, two of whom were federal judicial police officials (Federales). The arrest of these five officials and three Colombian pilots and the seizure of 1700 pounds of cocaine on board the aircraft represent one of the better night's return for the drug interdiction forces.¹⁷

To further enhance the interdiction effort along the long border with Mexico, the Customs Service is now using Aerostats—large tethered balloons or blimps carrying radars. Because of the altitude of their antennas, compared with those of ground-based radars, these Aerostats enable radar operators on the ground to "see" even low-flying aircraft several hundred miles across the Mexican border, thus giving them the ability to maintain a continuous surveillance of northbound flights within their areas of coverage.

¹⁵Interviews with various U.S. Customs officials, C3I Center West, March AFB, California, February 9, 1990.

¹⁶"U.S. Military Unit in Mexico Aids Drug War," *Los Angeles Times*, June 7, 1990, p. A1. The military's contribution to this effort is discussed in a later section.

¹⁷*Ibid.* Also, "U.S. Planes Help Mexico Head Off Drugs At Border," *Los Angeles Times*, April 9, 1990, p. A1.

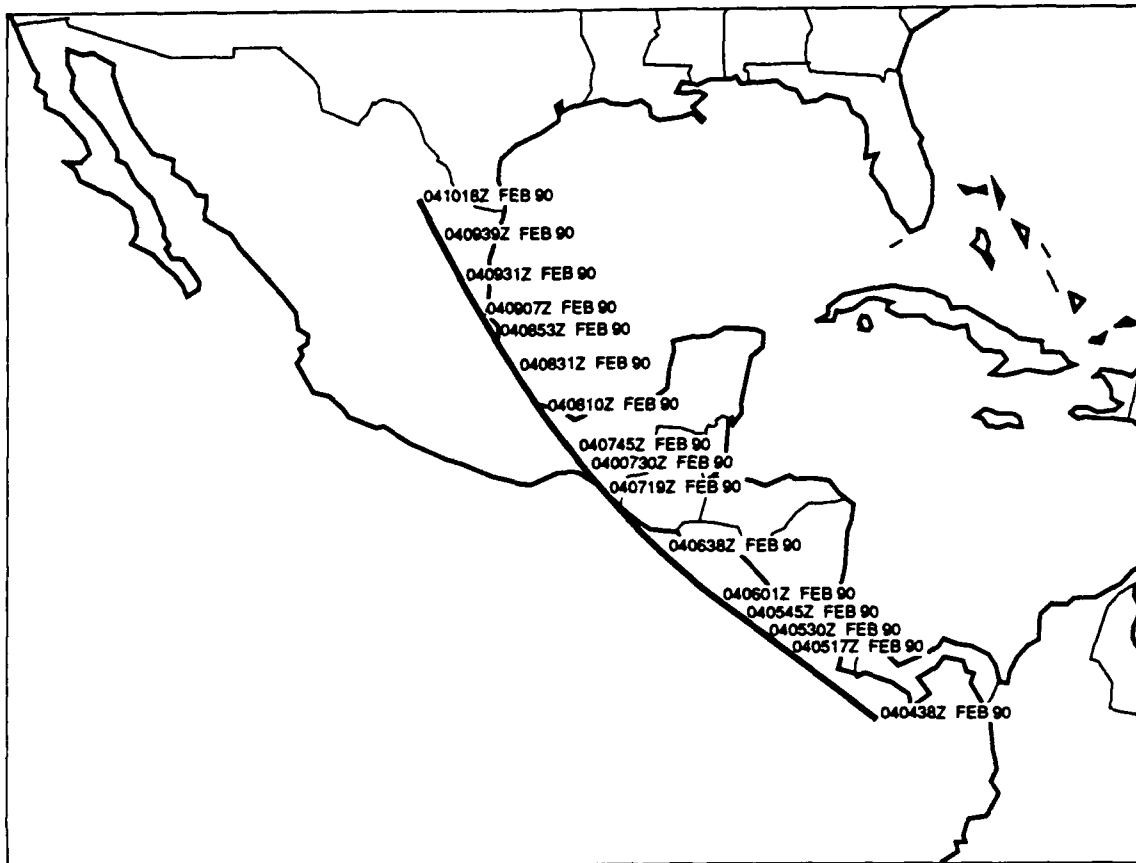


Fig. 3—Unsuccessful flight into Mexico in February 1990

This surveillance enables these radar operators to inform the Mexican authorities of the whereabouts of likely smuggling aircraft or to advise the U.S. Border Patrol of where to best focus their border enforcement efforts.

The Aerostats have an advantage over AEW aircraft in hourly operating costs, but they must be hauled down in severe weather, and one Aerostat cannot be quickly substituted for another (as can aircraft) when they require maintenance. In addition to the Aerostats along the border, small airborne drones carrying infrared sensors have been tested to determine their utility for surveying long, open portions of the border to deter off-road and foot traffic crossings.

In addition to forcing changes in the airborne routes, air interdiction efforts appear to have diverted an increasing proportion of the drug traffic to surface transportation,

particularly to containerized cargos. Based on seizures, more and more illegal drugs are being shipped into the United States in shipborne cargo containers. Because as many as eight million of these containers enter the United States in a year and each can require an entire day to search adequately, this change provides an important challenge for drug interdiction. Today, it is estimated that nearly half of all cocaine used by Americans enters the country by means of container ships.¹⁸

In sum, the previous two decades of diligent civilian law enforcement activities appear to be having some effect upon smuggling patterns. Where many smugglers previously operated with impunity, flying by night under the radar nets to land at U.S. destinations, they seldom do so today. Instead, they now normally fly either the Windward Islands chain to airdrop their cargos to waiting boats, or they fly into Mexico and land short of the U.S. border for transshipment of their cargos on the surface.¹⁹

The apportionment of airborne smuggling between the two routes seems to be about equal: In 1989, slightly over 100 flights were observed or suspected of transiting each of these two routes. Of these flights, approximately 40 percent "succeeded" in dispersing their illegal cargos when they used the Windward Island chain, while approximately 92 percent succeeded in landing their cargos using the Mexican route.²⁰

The foregoing sets the stage for our description, in the next section, of the military's involvement in the drug interdiction effort. That stage is pertinent because the civilian drug interdiction effort has been long established and is well experienced. It is into this intricate, sometimes well-tuned machinery that a military component has now been added or overlaid.

¹⁸"Electronic Picket," *Air Force Times*. This statistic is contradicted by "U.S. Ready to Provide Helicopters, Radar to Mexico for Anti-Drug Effort," *Los Angeles Times*, July 11, 1990, p. A13, which estimates that 70 percent of the cocaine entering the United States does so across the Mexican border. This latter article also describes the planned buildup of Mexican forces to counteract the current flow into northern Mexico.

¹⁹House Armed Services Committee, News Release, May 28, 1990.

²⁰EPIC visit.

IV. THE ROLE OF THE MILITARY

WHY THE MILITARY?

Because the use of the military in law enforcement has traditionally been a very contentious issue within the American democracy, a logical question is, Why involve the American military in drug control? Why not instead increase the size of the civilian law enforcement agencies and use them in lieu of the military? These questions provoke many answers and they, like the questions, can still be contentious.

One obvious answer is that the military has people, equipment, and money for operations that may not be needed elsewhere at the moment but could be usefully employed in an urgent, severe national problem. This answer is evident when the drug interdiction effort is perceived as a massive, yet temporary, manpower-intensive program. A common perception within the organizations visited during this research is that the drug interdiction effort is mainly a delaying action necessary to stem the tide of drug use until the full effect of other supply- and demand-side programs takes place.

For example, in an interesting use of the word, the current interdiction effort has been called a "containment" operation, designed to keep drug prices high and availability low.¹ This effort best ensures that drugs do not flood the nation and completely contaminate society. According to this perception, the containment effort must remain in place until future generations, largely immune to drug use through education, form the foundations of society. At that point, this theory holds, the drug interdiction effort can largely cease and the "war on drugs" will truly have been "won." The need to interdict the flow of drugs is but a transitory phase, requiring high levels of manpower to be effective.

That logic for using military forces in the drug interdiction effort is augmented by the resources available within the military: Where else could one find large quantities of high-technology equipment (especially airborne and surface radar platforms) readily available? Where else could one find them available for use on a temporary basis, thereby avoiding expensive equipment outlays? The military, of course; that's where the money, manpower, and equipment are and can be readily borrowed.

¹Interviews, U.S. Customs officials, Joint Command, Control, Communications, and Intelligence (C3I) Center, East, and the Air Operations Facility, Miami, Florida, March 27, 1990.

However, the network of simultaneously overlapping but sometimes exclusive roles of the LEAs creates a complicated structure into which any military drug interdiction effort must fit. Moreover, not only must the military smoothly mesh with this network, but it also must do so as both a leader and follower, according to the legislation that imposes explicit obligations and limitations upon the military in law enforcement in general and in drug control efforts in particular. Two pieces of legislation govern the military's participation in law enforcement activities.

POSSE COMITATUS ACT

Written in large part to correct the excesses of military law enforcement in the South following the Civil War, the Posse Comitatus Act substantially limits military participation in civilian law enforcement activities. Although it has been amended or clarified several times to expand the military's role in drug control efforts, the Act still basically prohibits the military, *per se*, from acts of apprehension or arrest except in narrowly defined situations. In one of these expansion roles, the military transports Coast Guard personnel for the purposes of law enforcement. In response to congressional mandate, Coast Guard law enforcement personnel are assigned to certain naval units. The naval units have no law enforcement powers but, instead, transport Coast Guard authorities to the scene of illegal activities.²

Posse Comitatus was written to protect U.S. citizens from the domestic excesses of its military. At present, however, there is no definitive answer as to whether the Act applies outside of the United States. One U.S. House of Representatives report states "it is not possible to definitively conclude whether the Act has extraterritorial application."³ The Justice Department has expressed the belief that the Posse Comitatus Act does not apply to U.S. military operations abroad; thus, apprehension and arrest powers on an extraterritorial basis remain an open question.⁴ But these powers remain either absent or highly restrained on a territorial basis.

²10 U.S. Code, Sec. 379.

³U.S. Code Congressional and Administrative News, 1981, p. 1789.

⁴U.S. Department of Justice, 1989.

FY 1989 DEFENSE AUTHORIZATION ACT

The second major piece of legislation affecting the military's participation in the drug interdiction effort is the one that mandates it: the FY 1989 Defense Authorization Act (as implemented by the FY 1989 Defense Appropriations Act), specifically directing the military to enter into the interdiction effort by:

- Assuming the role as the single lead agency for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.
- Coordinating the effort to integrate the command, control, communications, and technical intelligence assets of the United States dedicated to the interdiction of illegal drugs into an effective network.
- Increasing the drug interdiction and law enforcement roles for the National Guard.⁵

With respect to detection and monitoring of aerial and maritime drug traffic, the expressed intent of Congress requires the military to walk a narrow line between observing the restraints of *Posse Comitatus* (not to arrest or apprehend) and yet do more than *passive* detection and monitoring of potential drug smuggling activities. The minutes of the joint legislative conference (from which the FY 1989 Defense Authorization bill originated) state:

DoD personnel may operate equipment (including aircraft, vessels, and vehicles) for the following purposes:

Detecting, monitoring, and communicating of the movement of air and sea traffic (regardless of the location of the aircraft or vessels being monitored).

Aerial reconnaissance. The conferees intend this authority to be used for reconnaissance of property and not for surveillance of persons.

Interception of vessels or aircraft detected outside the United States for the purposes of communicating with such vessels and aircraft to direct such vessels and aircraft to go to a location *designated by appropriate civilian officials*. When the contact is made outside the United States, equipment operated by DoD personnel (e.g., an aircraft) may continue into the land area of the United States to direct the vessels and aircraft to go to a location designated by appropriate civilian officials. As used in this section the term "interception" means a contact for purposes of communication and does *not*

⁵U.S. Code Congressional and Administrative News, 1989, pp. 2041-2047.

*include a physical interruption of the flight or passage of the aircraft or vessel.*⁶

The military's role in the drug interdiction effort goes beyond a passive detection and monitoring role; it encompasses the active element of interception (going out and "seeing what that boat or aircraft is up to"). Interception is to be nothing more than that; interruption, interference, and, by inference, intimidation are prohibited. But there is still more than enough room for questioning whether the military is meeting or exceeding this charter.

In his Pentagon briefing of September 18, 1989, Defense Secretary Cheney described the USAF's North American Aerospace Defense Command (NORAD) airborne role in the drug interdiction effort as giving "them a real target to work, and the same skills they require in their normal, basic, national security assignment are very appropriate in this regard."⁷ Although that statement could be construed to mean that the military has assumed an aggressive role, a better interpretation is that NORAD's role in the drug interdiction effort is no different from the one it has maintained for over three decades.⁸ NORAD, in accordance with its charter, continues to defend U.S. and Canadian airspace sovereignty against all airborne intruders whether drug smugglers or hostile aircraft. If any aircraft threatens to penetrate that airspace unannounced, NORAD will, at its discretion, intercept and identify that aircraft and take follow-on actions as appropriate. If an aircraft threatening to penetrate that airspace unannounced happens to be a drug smuggler, the interception itself remains a long-standing NORAD mission. Only the disposition of the information gained from and during the interception has changed with the new drug interdiction role.

Nevertheless, even if the military is just doing its job within the appropriate limits of its authority, concerns remain that the military might exceed its carefully defined boundaries. Mindful of the difficulty of proving what will not or cannot happen, we can only note that we have found no indication that the military entertains any thoughts of exceeding its boundaries. Indeed, we have found the opposite. Our interviews with

⁶*U.S. Code Congressional and Administrative News*, 1989, p. 453 (emphasis added). This reports the joint conference preceding enactment of Public Law 100-456. Similar but less explicit language is found in Public Law 100-456, Sec. 1104, which was enacted subsequent to this joint conference.

⁷Cheney, 1989, p. 5.

⁸Interviews with various staff members, Headquarters NORAD, March 1, 1990.

military personnel responsible for drug interdiction operations indicate that the military is not only conscious of the limits to its role in drug interdiction, it is also very conscientious about the need to abide by both the intent and the letter of the 1989 Defense Authorization and the Posse Comitatus acts.⁹ Our research indicates that the military clearly intend to limit themselves to the detection, monitoring, and interception roles they have been assigned; apprehension or arrest remain outside of these limits.

The scope of the military's actions within the legislative framework is important because it defines the military role in the drug interdiction effort and bears upon public concerns with the use of the term "military drug interdiction." The use of this term and its derivatives is common within the drug interdiction community. The term connotes the employment of military drug interdiction forces and assets in roles that are interdiction-related but are also exclusive of apprehension or arrest functions.

⁹U.S. Department of Defense, 1989. Prohibitions against direct participation in searches, seizures, or arrests are reiterated in this, and other, high-level documents.

V. THE MILITARY DRUG INTERDICTION EFFORT

ORGANIZATION

All of the military services and the National Guard, as directed by Congress, now play an active role in the drug interdiction program. But before the 1980s, the DoD involvement with drug control was mostly directed toward keeping its own ranks free from drugs. Beginning in the early 1980s, DoD was authorized by Congress in a series of acts, including clarification of Posse Comitatus, to support the efforts of civilian agencies in their drug control efforts. They had, for example, responded to drug and law enforcement requests for certain military equipment and for information obtained from military intelligence and aerial and maritime surveillance.

Since the 1989 Defense Authorization Act, which charged DoD to "be the single lead agency responsible for the detection and monitoring of the aerial and maritime transit of illegal drugs into the United States," the extent of the military's participation has dramatically risen in scope and scale: Approximately 2100 ship days and 10,000 flight hours were dedicated to drug interdiction operations in 1989, and these are expected to rise to 4,000 ship days and 40,000 flight hours in 1990.¹

Concurrent with this congressional mandate to the military, on September 5, 1989, President Bush announced a comprehensive National Drug Control Strategy with the goal of a drug-free America. The Secretary of Defense, on September 18, 1989, stated that the "supply of illicit drugs to the United States from abroad, the associated violence and international instability, and the use of illegal drugs within the country pose a direct threat to the sovereignty and security of the country." Accordingly, he declared that the "detection and countering of the production, trafficking, and use of illegal drugs is a high priority national security mission of the Department of Defense." He then directed DoD to proceed with plans to deploy a substantial Caribbean Counter Narcotics Task Force, with appropriate air and maritime drug interdiction assets, to combat the flow of drugs from Latin America through the Caribbean Sea.²

At the direction of the Secretary of Defense, the Joint Chiefs of Staff (JCS) have assumed responsibility for implementing the new military roles in the national drug

¹"Leland says coordination lacking in drug war," *Navy Times*, May 7, 1990, p. 20.

²U.S. Department of the Navy, 1989.

control program. The JCS selected specific commanders (termed "supported commanders") to plan and direct the necessary and appropriate military operations, provided them with broad guidance, and then requested the supported commanders to provide their assessments, plans, and orders. The supported commanders chosen were the Commanders in Chief of:

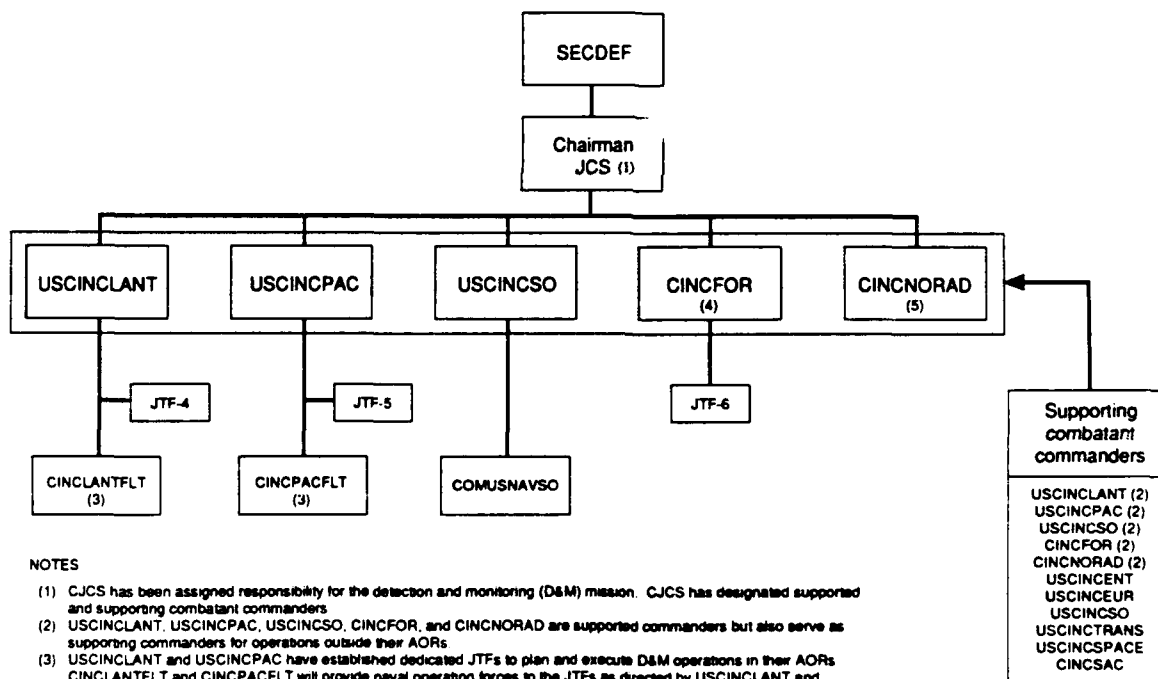
- U.S. Atlantic Command (USCINCLANT, a Navy admiral), whose command encompasses overall military operations in the Atlantic and Caribbean.
- U.S. Pacific Command (USCINCPAC, also a Navy admiral), who commands operations in the Pacific.
- North American Aerospace Defense Command (CINCNORAD, a USAF general), who commands military assets that maintain the aerial sovereignty and security of North America.
- U.S. Southern Command (USCINCSO, an Army general), who commands military operations in Central and South America and in the Caribbean.
- U.S. Forces Command (CINCFOR, an Army general), who commands military forces in defense of the territorial sovereignty and security of the United States.

To assist the supported commanders, supporting commanders such as USCINCTrans (TRANSCOM) and USCINCSAC (SAC) provide, respectively, transportation and mobility forces, and intelligence-gathering assets. USCINCSpace (SPACECOM), USCINCSOC (SOCCOM), and the Commander, Tactical Air Command (TAC), also provide supporting assets. With the numerous organizations interfacing in the various areas of responsibility (AORs), the distinctions and interactions between supported and supporting commanders can be complex; depending upon various circumstances and locations, these roles can differ from one instance to another. The simplest explanation of the two is that a supporting commander generally provides assets, both manpower and equipment, to a supported commander as the latter pursues an assigned mission. However, the roles can be switched when a supported commander, operating in another supported commander's AOR (or NORAD's Area of Operation (AOO)), may become a supporting commander.

Figure 4 depicts the organization.

Because of the differences in the type and degree of threat in their individual AORs, each CINC has approached his tasking in a slightly different manner with respect to the creation of Joint Task Forces (JTFs) and the establishment of counternarcotics teams internal to the commands. The first JTF, JTF-4, located in Key West, Florida, was activated by USCINCLANT in April 1989 and was given a threefold mission:

1. To create a joint fusion center for tactical intelligence and to establish the communications links necessary to assemble these data and to transmit a finished product to all users.



NOTES

- (1) CJCS has been assigned responsibility for the detection and monitoring (D&M) mission. CJCS has designated supported and supporting combatant commanders.
- (2) USCINCLANT, USCINCPAC, USCINCSO, CINCFOR, and CINCNOAD are supported commanders but also serve as supporting commanders for operations outside their AORs.
- (3) USCINCLANT and USCINCPAC have established dedicated JTFs to plan and execute D&M operations in their AORs. CINCLANTFLT and CINCPACFLT will provide naval operating forces to the JTFs as directed by USCINCLANT and USCINCPAC.
- (4) CINCFOR is expected to be designated a supported CDR for military support to law enforcement operations along the U.S. southwest border. CINCFOR will provide operating forces to JTF-6.
- (5) CINCNOAD is a combined commander who has been designated a supported commander for the D&M mission.

Fig. 4—DoD command relationships for military drug interdiction operations

2. To conduct their own detection and monitoring operations primarily with DoD assets under the JTF tactical control.
3. To coordinate the detection and monitoring operations of other agencies.³

Joint Task Force 4, under the command of a Navy rear admiral, directs military interdiction forces in the Caribbean and the Gulf of Mexico, with some spillover into the Atlantic. After the implementation of JTF-4, and based upon some of the lessons learned during its start-up, JTF-5 was established under USCINCPAC in November 1989. Joint Task Force 5, headed by a Coast Guard rear admiral, is responsible for the area including the Pacific Ocean and the western borders of the United States. A third joint task force, JTF-6, established under CINCFOR in November 1989, is commanded by an Army brigadier general in Fort Bliss, Texas. The AOR for JTF-6 mainly covers the land border with Mexico. With all three JTFs now in operation and employing DoD assets to carry out their charters, the military involvement in the drug interdiction effort has taken substantial form since the enactment of the FY 1989 Authorization Act.

These multiple, often overlapping DoD commands and JTFs have been overlaid upon or alongside existing military and civilian security and intelligence organizations (such as the DIA, NSA, CIA, Departments of State and Justice, including the FBI) and upon existing agencies long involved in drug control (such as the Coast Guard, Customs, DEA, and INM). Little wonder that it can become extremely difficult to determine or establish at any one time who is in charge, which organization is supporting and which is supported, and, correspondingly, who reports to whom on what aspect. Sorting out the interweaving of the military into the already complex civilian drug interdiction effort is mostly a case-by-case and ad hoc enterprise. The following, therefore, is necessarily only an outline description to sketch the boundaries of the massive, interwoven organization now involved in air interdiction.

OPERATING AGENCIES

The main DoD players in air interdiction of drugs are NORAD and the JTFs. Defense Secretary Cheney has assigned NORAD as the lead military agency responsible for the aerial detection, monitoring, and interception of drug traffic within North

³Irwin, 1990, pp. 74-79. Vice Admiral Irwin commanded JTF-4.

America.⁴ This command has at its disposal some 29 bases where fighters and aircrews stand alert on five-minute notice, along with AWACS AEW aircraft. The assumption of this responsibility is seen by NORAD as only a marginal increase in scope of the Continental United States (CONUS) air defense mission it has performed for decades.

The heart of NORAD's future plans is construction of a "radar fence" to seal the North American borders against all types of aerial intruders, including those drug smugglers who may be flying small, low-radar cross-section aircraft at low levels. This plan, to proceed in four phases, will ultimately provide low-altitude surveillance of the United States and Canada as well as a major portion of Mexico. The principal technology used to give this coverage is the improved Over the Horizon-Backscatter (OTH-B) radar.

The first phase of NORAD's plan is to procure and install a northern-based, OTH-B radar whose southward orientation will provide long-range radar coverage into the Gulf of Mexico and the southern border regions, which are currently either beyond or only intermittently within the coverage provided by AEW aircraft and Aerostats. However, as of this writing, there is some congressional opposition in the form of skepticism about the effectiveness of this \$242m system.⁵

The three specifically designated JTFs are responsible for the day-to-day operational control of military drug interdiction units assigned to their jurisdictions. With minor exceptions, individual military units are not permanently assigned to the drug interdiction task but rather rotate through. All three JTFs, according to congressional direction, are to provide civilian law enforcement agencies (normally U.S. Customs) any and all pertinent information they may obtain or derive as a result of their detection, monitoring, and interception missions.

The forces and equipments that are from time to time assigned to the JTFs vary according to the perceived need, which varies with changes in smuggling tactics. Joint Task Force 4 in Key West currently employs USAF E-3A AWACS aircraft (operating principally out of Roosevelt Roads Naval Air Station, Puerto Rico), Navy and Coast Guard E-2C AEW aircraft, Customs P-3A AEW aircraft, Navy P-3B/C and S-3A/B antisubmarine warfare (ASW) aircraft, and various Army and USMC sensor-equipped aircraft. On the surface, JTF-4 directs U.S. Navy ships ranging in type from the fast

⁴Cheney, 1989, pp. 1-7.

⁵"Air Force OTH-B Radar Facing Congressional Opposition to DoD Funding Plan," *Electronic Combat Report*, May 4, 1990, p. 1.

PHMs (hydrofoils) to the larger guided missile destroyers and frigates.⁶ In addition, JTF-4 employs the services of other DoD intelligence collection assets. Other special equipment available to JTF-4 includes both land-based and sea-based radar-equipped Aerostats similar to those deployed along the Southwest border region and Coast Guard Schweitzer RG-8A motorized gliders specially equipped with communications gear and infrared sensors.⁷

To provide additional surveillance coverage, a ground-based radar system is being installed throughout the Caribbean and in various countries in Central and South America. This system, referred to as the Caribbean Basin Radar Network (CBRN), will provide for substantial coverage of the Caribbean once completed.⁸ CBRN's primary mission is to foster regional cooperation on airspace management and to enhance the air sovereignty of each participating country. The CBRN sites are linked by satellite to U.S. command centers. Combining the data from the C3I centers, NORAD, CBRN, and optimally positioned airborne and shipborne radars in the Caribbean will complete radar coverage of the Caribbean.

JTF-5 commands similar, albeit smaller, interdiction forces in the Pacific region. The assets in this region are directed either:

1. South along Mexico's Pacific coastline to detect smugglers who may employ this region in transiting from South America.
2. West in a broad vigilance across the vast stretches of the Pacific Ocean itself.

The Pacific poses problems quite different from those of JTF-4's Caribbean operating arena where there are several "chokepoints." Joint Task Force 5 faces a very open coastline upon an ocean on which approximately 5000 ships sail daily. Also, JTF-5 confronts more than cocaine and marijuana smuggling. Heroin flows in to the United States across the Pacific from the infamous "Golden Triangle" (the opium-growing area consisting of Myanmar, Thailand, and Laos) where, in 1989, it is estimated that 3050 tons of opium were produced (a 100 percent increase over 1988).⁹ The large quantity of

⁶Irwin, 1990, p. 76.

⁷"Drug Interdiction," *Aviation Week and Space Technology*, February 5, 1990, p. S14.

⁸"An Electronic Picket Faces Smugglers," *Air Force Times*, June 18, 1990, p. 69.

⁹"Golden Triangle's Blooming Threat," *Los Angeles Times*, July 24, 1990, p. H1. This article observes that, according to government sources, less than 1 percent of this flow is

drugs available to be transshipped across the Pacific, coupled with the long shoreline across which they can be smuggled into the United States, requires JTF-5 to put a high premium on intelligence information—information well beyond what can be derived from surveillance of the western approaches alone.¹⁰

Joint Task Force 6, astride the American southwest border area, employs assets more appropriate for a land interdiction effort. In addition to military foot patrols, JTF-6 has remotely piloted drones equipped with infrared sensors for nighttime surveillance.

Other military forces that may be assigned to the drug interdiction effort remain under the control of the other supported commands (CINCLANT, CINCPAC, SOUTHCOM, and FORCECOM) when not provided to the JTFs for their operations. For example, a tactical intelligence analysis team is currently assigned to the U.S. Embassy in Mexico. This recently formed team, operating under FORCECOM auspices, has assessed and distributed to the Mexican authorities tactical intelligence information received from various drug interdiction sources. These and similar teams, working in concert with the DEA, have enabled local officials in foreign countries to step up their efforts in the drug war and have resulted in an increasing number of in-country drug arrests.¹¹

The coverage of these combined LEA-military surveillance and detection assets is the expanding network for air interdiction illustrated in Figs. 5 through 8. With each addition to the net, drug smugglers will have fewer unobserved routes of transit out of South America.

Figures 5 through 8 show radar coverages provided by the fixed radars within the Caribbean countries. The holes in this coverage can (and are planned to) be filled with mobile assets such as the AWACS, E-2C, P-3B/C, and S-3A/B aircraft; radar picket ships; and ship-tethered Aerostats. Ultimately, if approved by Congress, these holes will also be filled by the USAF's proposed OTH-B radar. Evading detection while crossing the Caribbean should be increasingly difficult.

being intercepted. An interview with RAND colleague Peter Reuter, September 10, 1990, indicates that even though a large quantity of opium is produced, currently less than 20 tons of heroin flow into the United States yearly.

¹⁰"Full Up and Ready to Deploy," *Sea Power*, December 1989, p. 7. Also see Lahneman, 1990, pp. 56–63.

¹¹"U.S. Military Unit in Mexico Aids Drug War," *Los Angeles Times*, June 3, 1990, p. A1.

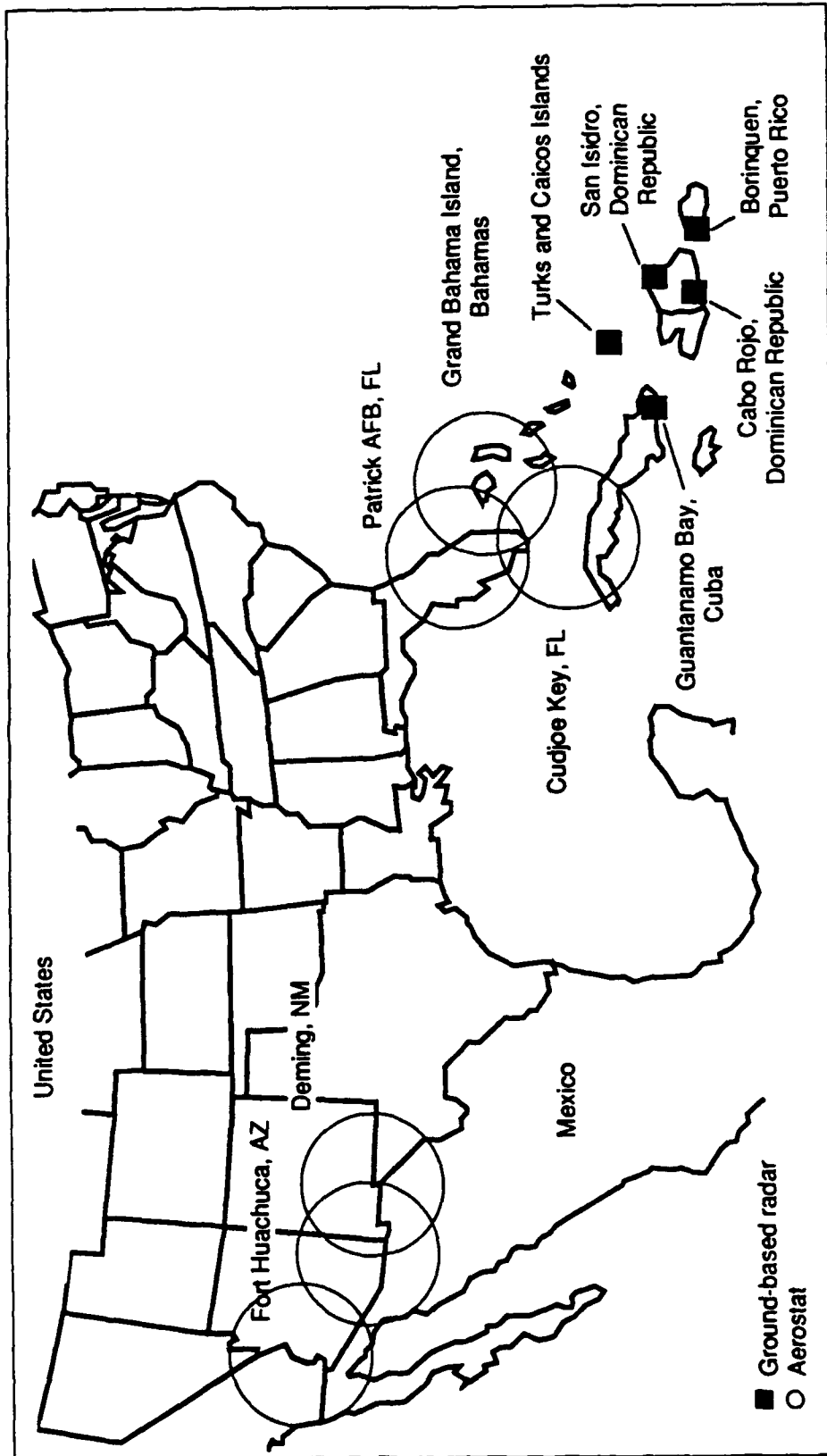


Fig. 5—Current Aerostat coverage

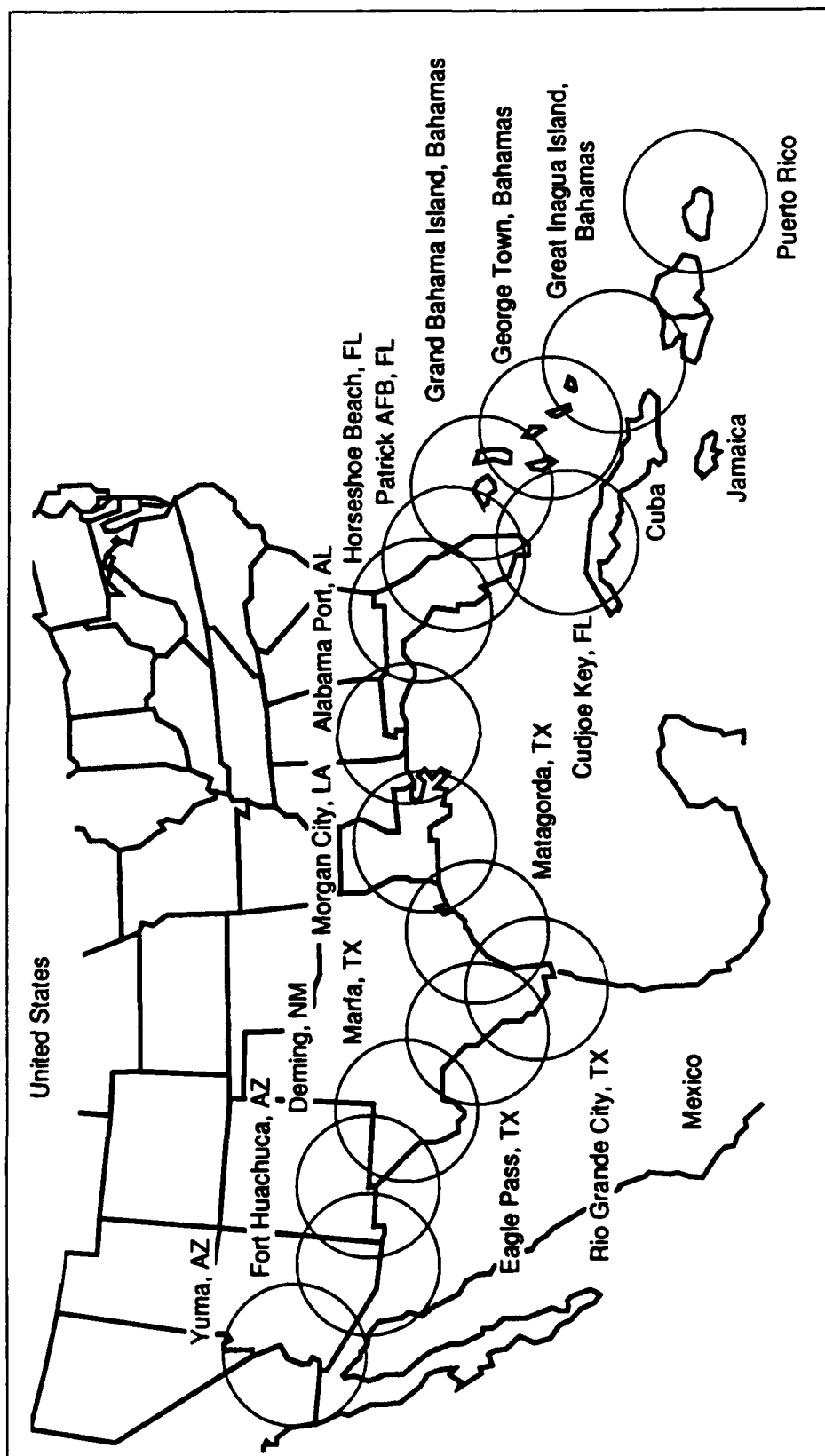


Fig. 6—Planned Aerostat network

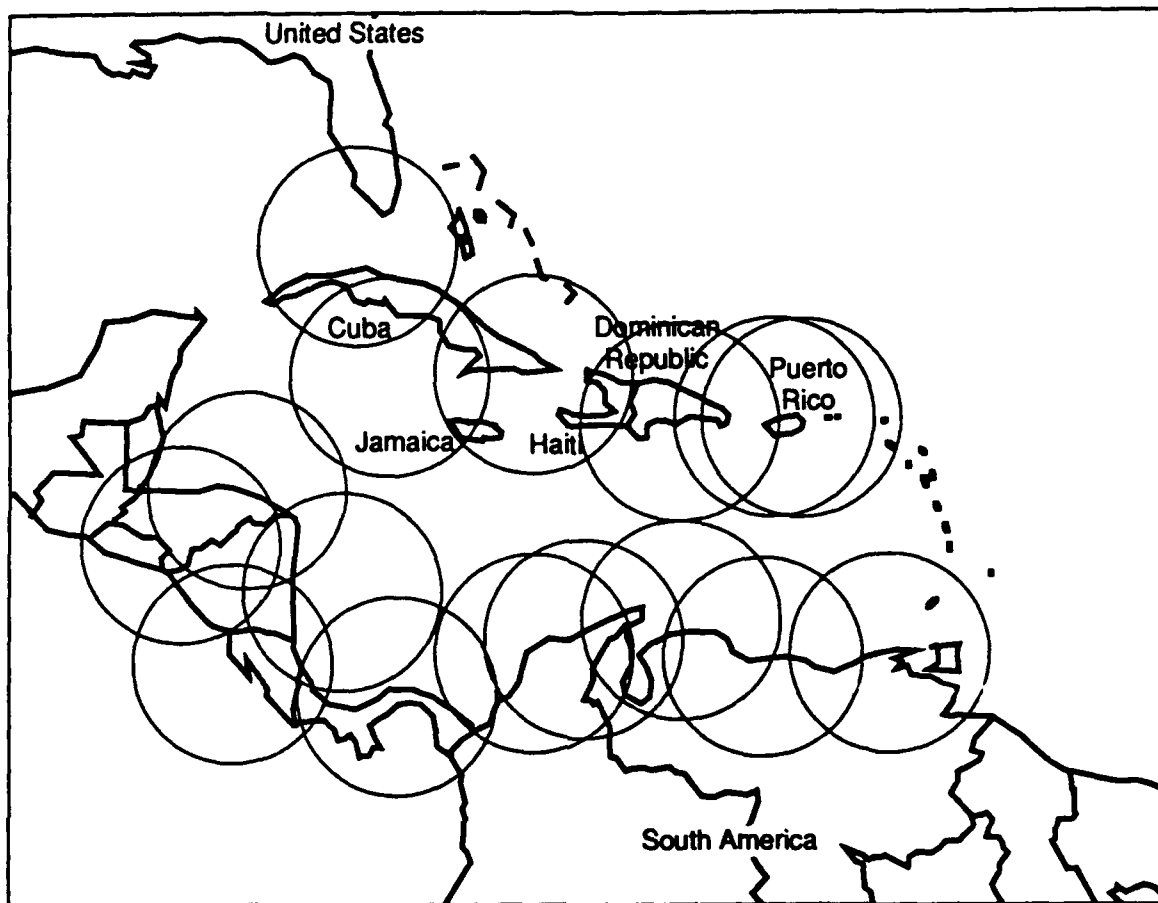


Fig. 7—Projected Caribbean Basin network coverage

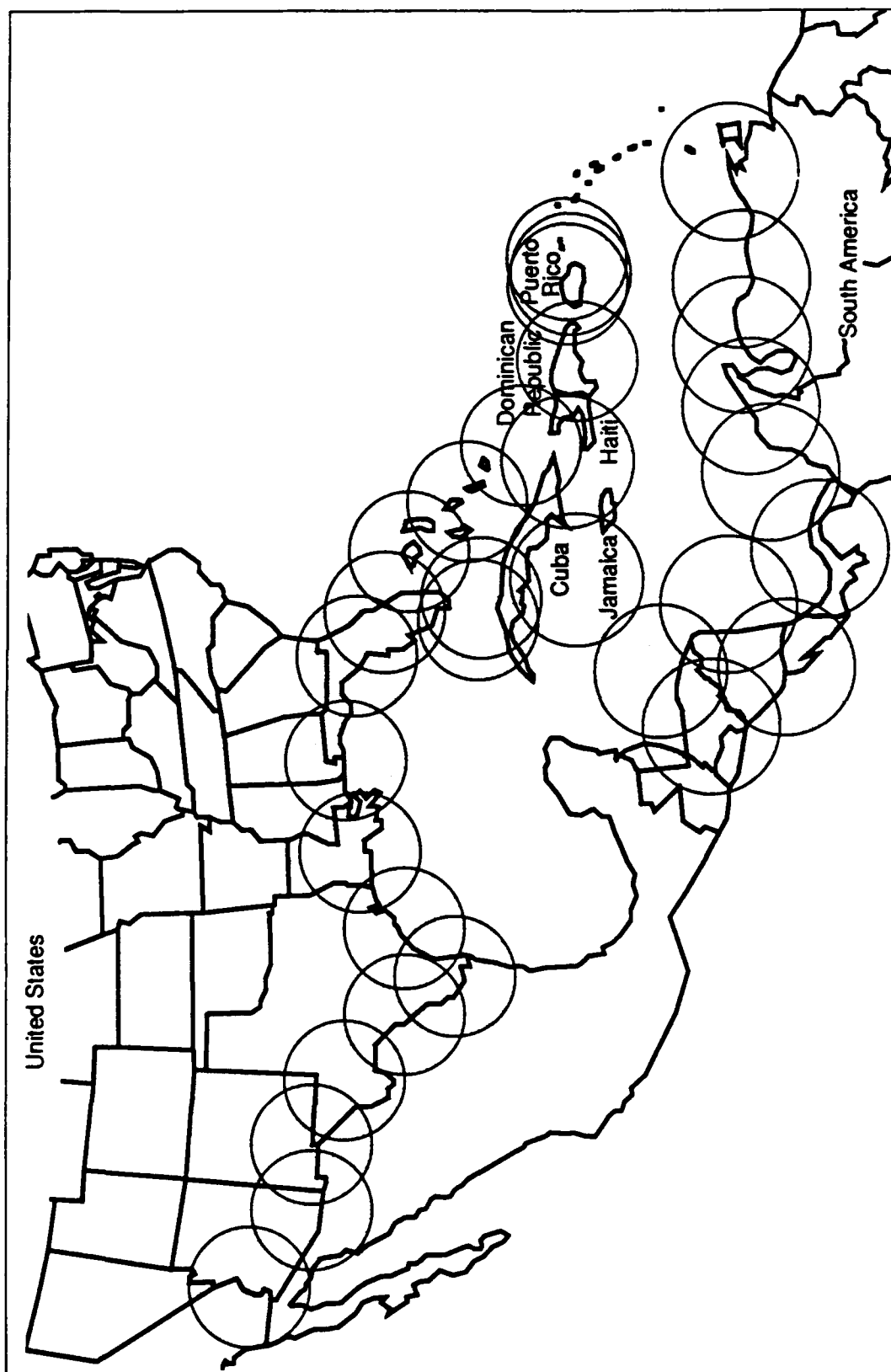


Fig. 8—Planned future composite coverage

VI. AN ASSESSMENT

Our research indicates that, in the main, the military's contributions to the air interdiction of international drug traffic are substantial, are providing positive benefits to the air interdiction effort, and are growing in importance. Nevertheless, the insertion of substantial military forces into an established domain of civilian law enforcement agencies and activities has not been without problems.

THE WAITING GAME

An important but subtle problem arising from the military's participation in the drug interdiction effort is the almost natural propensity for the military to take immediate action to accomplish an assigned mission. Such a philosophy is neither unexpected nor unnatural; after all, military power has normally been applied after other efforts at conflict resolution have failed, and immediate action is then generally the most efficient and effective approach.

The difficulty arises when that military philosophy is applied in the civilian law enforcement environment. In civilian law enforcement activities, rules of evidence and other legal considerations often override and militate against immediate action. Failure to observe these legal considerations can preclude subsequent prosecution. For example, to build a case, U.S. Customs Citation pilots trail suspected smugglers from a covert position; they do so to witness activities and to establish jurisdictional powers that will stand up in court. In other instances, LEA officials may allow "controlled deliveries" of drugs to link one bit of evidence with another so that the whole can better stand the rigors of legal tests. Thus, for many law enforcement endeavors, a waiting game, rather than immediate action, is necessary.

There is an inherent tension between the military philosophy of action and the civilian need for building evidence and the precise observance of procedures. At the advice and discretion of civilian LEA authorities, the military may frequently have to assume a passive role in various drug interdiction endeavors, a role to which the military appears to be gradually adapting. But given some of the military's equipment, this can sometimes be difficult.

EQUIPMENT MISMATCHES

To meet their particular and peculiar needs, both the civilian LEAs and the military have designed their capabilities carefully to meet their own specialized needs. The LEAs have designed their capabilities to build a legal web in which apprehension is only one of many steps in a long chain. Military units, however, have designed their capabilities with the goal of intercepting and destroying a known foe at the greatest distance from friendly forces. These different requirements produce equipment with capabilities that, not surprisingly, only marginally overlap.

Airborne intercepts and observations provide an excellent example: NORAD's principal aircraft is the F-16. While a world-class brawler against other high-speed fighters, it is nowhere near as well suited for covert observation as, say, the Customs Services' Citation aircraft. The reason is simple. The F-16, although an agile aircraft, has difficulty in flying slow enough to trail some of the slower-flying smuggling aircraft. The Coast Guard's Falcon patrol jet may also experience similar problems. To keep from shooting ahead of their prey, but still fly at speeds above their stalling airspeed, the F-16 pilots must weave back and forth behind the suspected smuggler, subjecting the F-16 to a higher likelihood of being detected. Once alerted to the F-16's presence, a drug smuggler can employ an alternative option to neutralize effective law enforcement.

By contrast, the Cessna Citation jets used by Customs—civilian jets designed to operate from short civil aviation airstrips—can remain concealed behind the majority of the smuggling aircraft, increasing the opportunity to observe the smuggler and acquire evidence for a legal case as appropriate. The Navy's S-3A/B Viking possesses a speed range that appears to be better suited than the high-performance fighters or interceptors for this kind of operation (assuming that it is vectored to the target's location).

Not only is there an airspeed mismatch between most military jet aircraft and many of the smuggling aircraft, but there is also often an endurance mismatch as well, which smuggling pilots can exploit. For example, once drug smugglers have discovered the presence of an intercepting jet, they have been known to feint a course reversal for a few minutes only to reverse back to their original course after the military aircraft, with limited fuel reserves, has had to return to its base.¹ Because of such factors, military interdiction assets, designed for a completely different mission, may not be sufficiently flexible to deliver anything near optimal performance for the drug interdiction tasks at hand.

¹Interview, C3I East, March 1990.

Another area of equipment mismatches between civilian LEA forces and their military counterparts is communications. Although charged with the role of integrating the various communications capabilities into an interoperable, mutually shared net, the military faces a difficult task. At the root of the problem is the difference in communications capacity between the two. A large segment of the civilian law enforcement communications net is designed to accommodate only one or two potential targets at a time. This modest target handling capability contrasts with the military's system, which is designed to simultaneously handle the many targets associated with a raid.

One of the consequences of this basic difference is that the law enforcement communications net has come to rely to a large degree upon voice communications over long-range, high-frequency radios. The military relies more upon higher-capacity data link communications with radios (and antennas) in a totally different frequency band. Although both sides compromise somewhat to meet the current demands of drug interdiction, they do so only at some disadvantage in complexity, cost, or capability compared with what each would prefer.

To date, only modest headway appears to have been made to integrate these different capabilities more effectively. Momentum, however, does seem to be building. Perhaps the strongest measure of this trend, as well as an indication of the size of the task, is the recent DoD estimate that it will need to spend as much as \$1 billion to build a secure and interoperable communications network to support the drug interdiction effort.²

CLASSIFICATION

Although many circumstances readily justify the classification of information, the act of doing so can have a devastating effect on the efficiency and effectiveness of civilian law enforcement. Information must normally flow smoothly and rapidly through the law enforcement system, from the source to the cop on the beat. In law enforcement, and especially in drug interdiction, a few minutes delay or unintelligible information can wreak havoc. Classified information, because of its specialized handling procedures, often thwarts this smooth, rapid flow.

²"DoD: Secure Comm Net for Drug War Could Cost \$1b," *Federal Computer Week*, May 28, 1990, p. 6. In the article a \$557m figure is also discussed.

The problem of classified information can be compounded when originally unclassified information becomes classified because of the difficulty and risks involved in simultaneously handling both classified and unclassified information. This can manifest itself in strange ways. An anecdote illustrates the possibilities:

Civilian law enforcement authorities observed a suspected drug smuggling pilot abruptly change his course and land at another (third-party) nation (an island). The civilian authorities, desirous of spotting the smuggler when he continued en route, immediately alerted all of the drug interdiction forces upon their communications network, which, by this juncture, included military elements. After the passage of several weeks, the communications network re-echoed the initial message (somewhat modified but identical in content) that the drug smuggling pilot had diverted to the other nation. In this instance, however, the source of the message was a military unit on the net, and the message now bore a classified label! Somewhere within the military elements in the communications net, someone had decided that this information—apparently because it involved another nation—should be classified. This occurred even though the information had originally been broadcast throughout the net in an unclassified format.³

Although this particular anecdote does not imply any adverse influence upon interdiction, the potential for negative effects is apparent and may extend to affecting the trust between participating units.

TURF WARS

In any multi-agency activity—whether civilian, military, or both—turf wars of some degree are to be expected. And any new agency entering the activity is likely to upset existing boundaries that may have been worked out over time, making the newcomer a logical candidate for blame.

The present focus of the turf war appears to be the question of which agency—law enforcement or military—has the authority to designate the specific locations where the military's surveillance assets patrol. These locations are important because of the potential for smugglers to slip through gaps in the existing radar screen; military assets need to be in the right position to fill the gaps at the right time. But where is the right spot? And who is qualified to determine it?

³Interview, C3I West.

Law enforcement agencies maintain that their long experience and established intelligence sources enable them to best call the shots as to where the surveillance assets should patrol. Moreover, they point out that the Committee Notes supporting the 1989 Authorization bill state that the location should be "designated by appropriate civilian officials."⁴

The military maintains that its experience in operating surveillance assets (especially on a worldwide basis) mandates that it designate where the patrols orbit. In legal terms, they argue that the Conference language underwriting the 1990 Authorization bill supersedes that of the 1989 bill. Therefore, direct support, as designated by civilian officials, is no longer appropriate because the later bill states that "the conduct of that mission and the resources devoted to it are subject to a prioritization of missions of the Department of Defense but are not subject to the limitations in the law relating to Law enforcement."⁵ Muddy water indeed.

The question of who should designate where the military assets establish their patrol points is currently unresolved and needs to be clarified. But the issue may be more symptomatic of the rich potential for turf wars within the National Drug Control Program than a cause. Time and ample challenges for all are likely to bring a more enduring peace than any edict defining one boundary among an endless number of boundaries.

More positively, our research suggests that, when necessary, both the military and the civilian organizations work well together at the operational level. That cooperation is evinced by a "bust" in the early summer of 1990 when a drug flight was tracked from its origin in South America, northward through the Caribbean and Atlantic. In this case, civilian and military forces repeatedly and effectively handed information back and forth, resulting in the apprehension of the smugglers after a chase of nearly seven hours. Coordination and cooperation in this chase were certainly not lacking.⁶

Above the operational realm, however, turf battles, although diminishing with time, need to be addressed because of their potentially adverse effects as disputes at administrative levels are eventually reflected in operational orders and procedures. At a

⁴Public Law 100-456.

⁵*U.S. Code Congressional and Administrative News*, 1990, p. 1108. This reports House Conference Report No. 101-331, regarding Public Law 101-331.

⁶Interview with various military personnel, JTF-4, Key West, Florida, June 19, 1990. Almost identical information emerged from a follow-on interview with Customs personnel, C3I East, Miami, Florida, June 20, 1990.

minimum, the intent of Congress, as confused by the two overlapping Acts, should be clarified.

INTERDICTION TECHNOLOGIES

As interdiction efforts have become more effective, the drug smugglers have become increasingly innovative. Innovations in the concealment of drugs on individuals, in vehicles, and in shipping containers are making illicit drugs more difficult to find. Extensive, thorough investigations and searches of many of these hiding places are particularly costly and manpower-intensive.⁷

Obviously, what is most needed to counter that trend are technologies that can survey such hiding places reliably, without intrusion, and detect drugs with few false alarms. To date, such technologies have remained elusive even though the search for them remains active.⁸ Until such time the requisite drug detection technologies are available and in place. To paraphrase one Customs official, "The state of the art in drug detection technology resides in a dog's nose."

WHO'S THE BOSS?

One of the more common complaints encountered throughout this research was the absence of unified leadership within the operational levels of drug interdiction. Governor Bob Martinez, the Director of the Office of National Drug Control Policy, and his staff are perceived as having accomplished much in pulling the drug policy threads into a single office; but as his office staff will quickly point out, their focus is on policymaking and not on day-to-day operations. The result is that, in practice, no individual or single organization tops the operational pyramid. This absence of an operational boss impairs the coordination of the drug interdiction effort, and many instances of duplication and misdirection can be found.

One school believes, however, that the duplications in themselves may paradoxically be only marginally disadvantageous. Because the overall drug interdiction effort is a massive new undertaking with many different elements, it may be more

⁷"Military Labs Build High-Tech Drug Weapons," *Air Force Times*, April 2, 1990, p. 20.

⁸"DoD Seen Winning Technological Battle with Drug Cartels but Facing Challenges," *Electronic Combat Report*, April 27, 1990, pp. 11-12.

productive at first to let each organization learn the ropes from its exclusive perspective rather than having an overall boss directing what should and should not be done. From this perspective, a fully integrated, top-down management scheme could at this early juncture be counterproductive. It may be better, instead, to give each organization as much rein as possible and, at the proper moment, institute an overall command structure, perhaps one ensuing from a bottom-up formulation.⁹

If an operational hierarchy is established, one candidate might be a "Drug Control Operations Combined Staff" with representatives from the various organizations and with the Vice President as its chairman. This staff might not only help to answer the question of "who's in charge," but it might also prevent some of the bureaucratic infighting reaching the operational levels by addressing and resolving such issues at a staff level.

THE BODY COUNT

Although it does not currently appear to be a major issue, a potential problem is the perceived need, so often attending large-scale military operations, to develop and adopt measures of effectiveness to judge success. *To do so could be both deceptive and counterproductive* as is observed by members of the Congressional Investigations Subcommittee:

[W]e must pledge ourselves to avoid the body count syndrome. The media loves statistics on [drug] seizures, but these prove nothing. If air interdiction fails totally or succeeds beyond our wildest expectations, the result either way will be a drop in seizures. . . . The officers in the field know the statistics mean nothing. But too many people inside the Beltway think we can fight by the numbers. And too many in the media feed this misconception with stories of drug seizures and street prices.¹⁰

That caution is not limited to its authors; we found this same warning echoing throughout the drug interdiction community. Moreover, because a single bust may be made by joint forces, the credit may be taken and reported numerous times, which may

⁹C3I West, interview.

¹⁰U.S. Congress, 1990a.

also lead to inflated statistics.¹¹ The message is clear; to date no good measure of effectiveness has been identified that will provide a sound statistical reference point from which to judge the efficiencies of the interdiction effort. And until one is identified, if ever, statistical body counts should be used judiciously, if at all.

HERE TODAY, GONE TOMORROW

The use of the military, per se, in the war on drugs could introduce a fickle, counterproductive component into the endeavor. It is not that the civilian community perceives any lack of steadfastness or constancy on behalf of the military forces themselves but rather that these forces, being required for national defense, could suddenly be pulled from the interdiction effort and employed elsewhere. The most immediate example is the situation in the Middle East.

Perhaps the most immediate focus of the civilian concern is that, to accommodate equipment differences or differences in operating procedures, they may be required to adapt their capabilities somewhat so as to match those of the military. Should a national emergency require that the military be absent from the interdiction endeavor, the civilian forces could find themselves "holding the bag" in respect to the tasks at hand. An integrated chain is not only dependent upon its weakest link, its overall strength is dependent upon each link being in place. Absent the military link, civilian interdiction endeavors, if highly integrated therein, could suffer greatly. The paradox thus exists that the civilian forces can indeed use the assistance provided by the military but cannot become too dependent upon it.

SOME CONCLUDING OBSERVATIONS

The military drug interdiction effort is well under way although still in its infancy. The civilian law enforcement elements have developed a well-seasoned system for interdicting drugs that has diverted drug traffic away from the previous easy routes to more difficult ones. Civilian LEAs welcome additional assets to assist them in their drug interdiction task, but they remain wary of the actual application of military assets

¹¹Interview with Air Operations staffmembers, U.S. Customs Headquarters, Washington, D.C., March 1990.

because of the potential for "overkill" within the legal framework in which law enforcement must necessarily operate.

The civilian law enforcement drug interdiction efforts may be thought of as a fine web in a jungle, constructed over several decades, and, of necessity, with a great deal of refinement. This web has evolved and improved with time, works reasonably well, and captures or diverts a considerable amount of prey. Through this web, however, civilian authorities see the potential for the military "rhinoceros" to come plunging through. The military's participation is welcome, but with reservations. When these reservations are understood, retained, and observed, the combination could become, in civilian law enforcement eyes, formidable.

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